

REMARKS

In the Office Action, the Examiner objected to the Specification; objected to claims 30-58; rejected claims 57 and 58 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; rejected claims 40-41, 45, and 52-53 under 35 U.S.C. § 112, second paragraph as being indefinite; rejected claims 30-31, 33-38, 42-43, 45-46, 48-50, 54-55, and 57-58 under 35 U.S.C. § 103(a) as being unpatentable over "UPnP AV Architecture: 0.83" to Ritchie et al. ("*Ritchie*") in view of "ContentDirectory: 1 Service Template Version 1.01 to Debique et al. ("*Debique*")"; rejected claims 32, 39, 41, 44, 47, 53, and 56 under 35 U.S.C. § 103(a) as being unpatentable over *Ritchie* in view of *Debique* and further in view of "Playing Audio on Your PPC From Your Desktop" to Conger et al. ("*Conger*")"; and rejected claims 40 and 52 under 35 U.S.C. § 103(a) as being unpatentable over *Ritchie* in view of *Debique* and further in view of "Hypertext Transfer Protocol -- HTTP/1.1" to Fielding et al. ("*Fielding*").

By this Amendment, Applicants have amended claim 30-58. Claims 30-58 remain pending.

Applicants have amended the specification to replace "Locators" with --Locator-- and "Control" with --Protocol-- appropriately. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the specification.

Applicants have amended claims 30-37, 39-40, and 42-58. Therefore, Applicants respectfully request reconsideration and withdrawal of the objection to claims 30-58.

The Examiner rejected claims 57 and 58 under 35 U.S.C. §101 stating, "The claimed invention is a computer program, which does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. § 101." See Office

Action, page 3. Applicants respectfully traverse this rejection. However, to expedite prosecution, Applicants have amended claims 57 and 58 to recite a “computer-readable storage medium comprising a computer program which when executed on a processor, causes the processor to perform a method.” Therefore, claims 57 and 58 fall within the categories of patentable subject matter, and Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 57 and 58 under 35 U.S.C. §101.

The Examiner rejected claims 40-41, 45, and 52-53 under 35 U.S.C. §112, second paragraph “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” See Office Action, page 4. Applicants respectfully traverse this rejection. However, to expedite prosecution, Applicants have amended claims 40-41, 45, and 52-53 to claim the subject matter more distinctly. It is respectfully submitted that claims 40-41, 45, and 52-53 fully meet the requirements of 35 U.S.C. §112, second paragraph. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 40-41, 45, and 52-53 under 35 U.S.C. §112, second paragraph.

Applicants respectfully traverse the rejection of claims 30-31, 33-38, 42-43, 45-46, 48-50, 54-55, and 57-58 under 35 U.S.C. § 103(a) as being unpatentable over *Ritchie* in view of *Debique*.

Independent claim 30 recites a content providing server that includes among other things “a content distribution control section that executes live streaming of the content to the client via the local area network” and “wherein the content distribution control section streams the content, corresponding to the channels, as a single unit of

controlled content, on the basis of a control request corresponding a second channel list received from the client.”

On page 6 of the Office Action the Examiner correctly states that *Ritchie* does not explicitly disclose channels, but relies on *Debique* to allegedly disclose the channels. Applicants respectfully disagree.

According to the *Debique* system, “a “Media Server” device might contain a significant portion of the homeowner’s audio, video, and still-image library. In order for the homeowner to enjoy this content, the homeowner must be able to browse the objects stored on the Media Server, select a specific one, and cause it to be “played” on an appropriate rendering device.” *Debique* at page 5, Section 1.1. In another part of *Debique* it is explained that “this service can be used to enumerate a list of songs stored on an MP3 player, a list of still-images comprising various slide-shows, a list of movies stored in a DVD-Jukebox, a list of TV shows currently being broadcast.” *Debique* at page 5, Section 1.1. Thus, the content transmitted by *Debique* includes stored objects or data enumerating a list of TV shows currently being broadcast. However, such transmission does not constitute Applicants’ claimed “the content distribution control section streams the content, corresponding to the channels, as a single unit of controlled content,” as recited in claim 30, because the Content Directory Service only enumerates a list of TV shows currently being broadcast and does not distribute the channels.

The Examiner asserts that the collection of objects [in *Debique*] corresponds to the claimed “channels.” Office Action at page 6. *Debique* defines “object” as “Any data entity that can be returned by a Content Directory Service from a browsing or searching

action.” *Debique* at page 6, Section 2.3. Firstly, a plurality of data entities does not constitute a plurality of channels and, as noted above, the Media Server in *Debique* causes data objects to be played on an appropriate rendering device. On page 56, section 6, *Debique* further strengthens the contention that each data object is played separately by explaining that “The value of each object id property should be unique with respect to the Content Directory.” Therefore, the playlistContainer is a collection of various stored data objects, which causes each stored data object to be played on various appropriate rendering devices. This is not the same as “the content distribution control section streams the content, corresponding to the channels,” which includes “live streaming of the content being received via tuner to the client,” as recited in claim 30.

In addition, it would not have been obvious to combine the teachings of *Ritchie* and *Debique*, because *Ritchie* teaches away from playing data objects on multiple rendering devices. *Ritchie*’s focus is to use a Control Point to moderate communication between a server and a rendering device. For example, “Although the Control Point is managing multiple devices, all interactions occur in isolation between the Control Point and each device. The Control Point coordinates the operation of each device to achieve an overall, synchronized, end-user effect. The individual devices do not interact directly with each another.” *Ritchie* at page 3, Section 4. Further, *Ritchie* states, “Synchronized playback to multiple rendering devices” is a “Non-Goal.” *Ritchie* at page 3, Section 4. In contrast, *Debique* plays data objects on various appropriate rendering devices. One skilled in the art would not have been motivated to make the proposed combination, because the result of such a combination is counter to the teachings of *Ritchie*.

For at least the above reasons, the Office Action fails to articulate a reason why one of skill in the art would find it obvious to modify the prior art to achieve the claimed combination, and a *prima facie* case of obviousness has not been established. Therefore, the Examiner should withdraw the rejection of claim 30 under 35 U.S.C. § 103(a).

Independent claims 42, 45, 54, and 57-58 , while of different scope than claim 30, distinguish over *Debique* and *Ritchie* for at least the same reasons as claim 30.

Claims 31, 33-38, 43, 46, 48-50, and 55 depend from claims 30, 42, 45, and 54 respectively. Accordingly, *Debique* and *Ritchie* fail to disclose the subject matter of claims 31, 33-38, 43, 46, 48-50, and 55.

Applicant respectfully traverses the rejection of claims 32, 39, 41, 44, 47, 53, and 56 under 35 U.S.C § 103(a) as being unpatentable over *Ritchie* in view of *Debique* and further in view of *Conger*.

Conger fails to cure the above-noted deficiencies of *Ritchie* and *Debique*. *Conger* fails to teach or suggest, “a content distribution control section that executes live streaming of the content to the client via the local area network” and “wherein the content distribution control section streams the content, corresponding to the channels, as a single unit of controlled content, on the basis of a control request corresponding a second channel list received from the client” as recited in claim 30. Accordingly, *Ritchie*, *Debique*, and *Conger*, whether taken alone or in combination, fail to disclose the subject matter of claim 30.

Claims 32, 39, 41, 44, 47, 53, and 56 depend from one of independent claims 30, 42, 45, and 54. Accordingly, *Ritchie*, *Debique*, and *Conger* fail to disclose the subject matter of claims 32, 39, 41, 44, 47, 53, and 56.

Applicant respectfully traverses the rejection of claims 40 and 52 under 35 U.S.C § 103(a) as being unpatentable over *Ritchie* in view of *Debique* and further in view of *Fielding*.

Fielding fails to cure the above-noted deficiencies of *Ritchie* and *Debique*. *Fielding* fails to teach or suggest, “a content distribution control section that executes live streaming of the content to the client via the local area network” and “wherein the content distribution control section streams the content, corresponding to the channels, as a single unit of controlled content, on the basis of a control request corresponding a second channel list received from the client” as recited in claim 30. Accordingly, *Ritchie*, *Debique*, and *Fielding*, whether taken alone or in combination, fail to disclose the subject matter of claim 30.

Claims 40 and 52 depend from one of independent claims 30 and 45. Accordingly, *Ritchie*, *Debique*, and *Fielding* fail to disclose the subject matter of claims 40 and 52.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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